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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE CHAVEZ-SAPIEN,

Defendant.

No. CR 07-00077 JW

STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME FROM JULY
23, 2007 TO AUGUST 13, 2007 FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A))

On July 23, 2007 the parties appeared for a hearing before this Court. At that hearing, defense counsel requested an exclusion of time under the Speedy Trial Act based upon defense counsel's need to effectively prepare by reviewing the defendant's A file and other discovery materials submitted by the government. At that time, the Court set the matter for a hearing on August 13, 2007.

The parties stipulate that the time between July 23, 2007 and August 13, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the

ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §3161(h)(8)(A).

DATED: July 24, 2007

SCOTT N. SCHOOLS
United States Attorney

/s/
BENJAMIN T. KENNEDY
Assistant United States Attorney

/s/
JAY RORTY
Assistant Federal Public Defender

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between July 23, 2007 and August 13, 2007 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: July 26, 2007



JAMES WARE
UNITED STATES DISTRICT JUDGE